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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,988	02/20/2004	Antonio Chiga	396/491	4381

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BRINKS HOFER GILSON & LIONE
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CHICAGO, IL 60610

EXAMINER

TURK, NEIL N

ART UNIT	PAPER NUMBER
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1743

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/783,988	Applicant(s) CHIGA, ANTONIO	
	Examiner Neil Turk	Art Unit 1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/17/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

This Office Action fully acknowledges Applicant's remarks filed on November 17th, 2006. Claims 1-60 are pending.

Response to Arguments

Applicant's arguments with respect to **claims 1-60** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-60 recite that the spring levers are distributed around the circumference of the cover, however the cover is recited as comprising an inlet, which does not establish a shape with a circumference. As such the Examiner will interpret the claims to not be limited to circular covers.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 36, 48-50, and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Stanchfield (6,054,100).

Stanchfield discloses a filtration apparatus 10 that has a skirt 26, which provides a site for the independently releasable attachment of the upper and lower covers 14, 16 to the block 12 (abstract). Stanchfield discloses that pairs of lockable latches or clips 66 and 68 are present upon each of the outer and end surfaces (56&57, 62&63).

Stanchfield discloses that when the covers are positioned on the block 12, these clips are situated so as to be in vertical alignment with the cutouts 37 that are present in the skirt 26 (lines 27-40, col. 10, figs. 1-2). Examiner asserts that the skirt and block body 22 constitute the bottom part as claimed in claim 1 such that the flaps from the cover 14 (apertures 70) releasably attach to the cutouts of the bottom part. Further the block body includes an array of reaction wells 24 (fitted with filter disks), each having an inlet portion 38 and an outlet spout 40 (outlet of the bottom part) (lines 15-67, col. 7, figs. 1-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2-6, 16-18, 28-31, 36, 48-54, and 57-60 rejected under 35 U.S.C. 103(a) as being unpatentable over Hering (3,085,689) in view of Bresolin (5,474,674) and in view of Taylor (4,915,831).

Hering discloses a filter assembly, which includes an inlet housing 16 and outlet housing 18 which are connected together by a quickly detachable connecting means 20, consisting of lugs 20a and cooperating, upwardly and laterally projecting cam lugs 20b (spring levers upwardly projecting from the circumference of cover 16 and laterally shown given surface 32) (lines 44-49, col. 2, fig. 4; lines 1-11, col. 3). Hering also discloses the outlet housing is provided with six lugs 20a (lugs and cams comprise six spring levers), which are placed radially around the housing wall, and which mate with the cam lugs 20b by turning and telescoping the housings 16 and 18 to bring the

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housings together in a locked engagement (lines 70-72, col. 2; lines 1-10, col. 3, fig. 4).

Hering also discloses an annular sealing ring 50 and a clamping ring 57, which engages an inner shelf 62 (disk-shaped supporting medium) (which includes a plurality of ribs 48) of the annular gasket 50 and clamps the periphery 64 of the filter medium 38 (lines 20-30, col. 3; lines 18-21, col. 4, fig 3 & 4).

Hering does not disclose levers for the releasable connecting of the cover to the bottom.

Bresolin discloses a filtration device, which comprises lever hooks 27 for coupling the lid 3 to the device 1, which are arranged in angularly equidistant positions. Bresolin discloses that each hook is formed by an arm 28 which is mounted on a vertical pivot 29 and each pivot has an eccentric protrusion 30 that is suitable to fit, by rotating through approximately 90 degrees, in a complementary shaped seat 31 (lines 16-29, col. 4, figs. 1-6; lines 17-67, col. 6).

Taylor discloses a filter assembly with a spring driven plunger supported by the cover, including at least one detent, so as to prevent inadvertent disengagement of the cartridge from the head while the plunger is engaged, and also allowing for replacement of the cartridge by lifting the plunger before rotating the cartridge (abstract). Taylor discloses that the known cam and lug (securing tabs) engaging/disengaging mechanism (such as the mechanism used in Hering) for the cover and bottom has the problem of inadvertent twisting and disengagement of the elements (abstract, columns 1 and 2, fig 1).

It would have been obvious to modify the Hering device to include levers for releasably connecting the cover to the bottom such as taught by Bresolin and Taylor in order to provide means for detachably coupling both elements while avoiding inadvertent disengagement of the two.

Claims 7, 19, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hering in view of Bresolin and in view of Taylor as applied to claims 1, 2-6, 16-18, 28-31, 36, 48-54, and 57-60 and in further view of Sklar (5,308,483).

Hering/Bresolin/Taylor do not specifically disclose a porous supporting body for the filter membrane.

Sklar discloses a microporous filtration funnel assembly that includes a filter pad 36 made of cellulose (porous), which supports a filter membrane (lines 14-16, col. 3, line 35, col. 4, fig. 2).

It would have been obvious to modify the Hering/Bresolin/Taylor device to include a porous supporting body for the filter, such as taught by Sklar such as to provide the filter with sufficient support so as to maintain its shape.

Claims 8-15, 20-27, 33-35, 37-47, and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hering in view of Bresolin and in view of Taylor and in view of Sklar as applied to claims 1, 2-7, 16-19, 28-32, 36, 48-54, and 57-60 and in further view of Spence (4,783, 321).

Hering/Bresolin/Taylor/Sklar do not disclose a filter membrane with a lateral tongue. Spence discloses an assembly with filter paper 20, having tabs 32 to provide for quick and easy removal of the installed paper (lines 33-43, col. 2, fig. 2).

It would have been obvious to modify the Hering/Bresolin/Taylor/Sklar device to include filter paper with tabs such as taught by Spence so as to provide a filter membrane that could be easily engaged so as to remove the installed filter membrane.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Turk whose telephone number is 571-272-8914.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NT


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